



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Marilyn Librers, Council Member	Marilyn Librers, Agency Member

WEDNESDAY, DECEMBER 2, 2009

AGENDA

JOINT REGULAR CITY COUNCIL

AND

REDEVELOPMENT AGENCY MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

Certificate of Recognition, *Sig Sanchez*

CITY COUNCIL REPORTS

Mayor Pro Tem Sellers

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE COUNCIL SERVICES RECORDS COORDINATOR.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE COUNCIL SERVICES RECORDS COORDINATOR WHO WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-14

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

1 - 10 Minutes

Page

1. **Adopt Ordinance No. 1958 New Series, an Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement DA-09-05: E. Dunne-Jasper Park..... 1**
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1958, New Series, and Declare That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

2. **Adopt Ordinance No. 1959 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for South Valley Developers' Madrone Plaza Project Located at the Southeast Corner of Monterey Road and Cochrane Road**..... 7
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1959, New Series, and **Declare** That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

3. **Adopt Ordinance No. 1960 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for South County Housing's Madrone Plaza Project Located at the Northwest Corner of Butterfield Blvd and Jarvis Drive**..... 19
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1960, New Series, and **Declare** That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

4. **Adopt Ordinance No. 1961 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for the Mission Ranch Project Located at the Northeast Corner of Cochrane Road and Mission View Drive**..... 27
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1961, New Series, and **Declare** That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

5. **Adopt Ordinance No. 1962 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for the Villas of San Marcos Project Located at the Southwest Corner of Barrett Avenue and San Ramon Drive**..... 41
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1962, New Series, and **Declare** That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

6. **Adopt Ordinance No. 1963 New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for the Alicante Estates Project Located at the Northeast Corner of Cochrane Road and Peet Road**..... 51
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1963, New Series, and **Declare** That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

7. **Adopt Ordinance No. 1965 New Series, an Ordinance of the City of Morgan Hill Amending Chapter 5.52 (Tow Car Services) of the Morgan Hill Municipal Code to Update Towing Rules and Establish a Towing Franchise Program** 61
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1965, New Series, and **Declare** That Said Title, Which Appears on the Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived.

8. **Delegation of Authority to Let Contracts Without Bid for Emergency Actions and Authorization of Expenditure for Storm Related Repair Caused by the October 13, /2009 Storm**..... 71
Recommended Action(s):
1. **Adopt** Resolution delegating the authority to the City Manager to let contracts without bid in an emergency; and **Declaring** the need for emergency expenditure for repairs caused by the 10/13/2009 storm (four-fifths vote needed for approval); and
2. **Appropriate** \$28,176 from the General Liability Fund (795) to cover these unexpected and emergency expenses.
9. **2009 Hazardous Vegetation Program**..... 79
Recommended Action(s): Adopt Resolution Declaring Weeds and Brush to be a Nuisance and Setting January 27, 2010 as the date for the Public Hearing regarding Weed Abatement, and June 2, 2010 as the date for the Public Hearing regarding Brush Abatement.
10. **Award of Professional Services Contract to Prepare Civil Design Documents for the Cochrane Road Widening Project**..... 87
Recommended Action(s): Authorize the City Manager to execute a consultant agreement with Hatch Mott MacDonald in the amount of \$78,816 for the preparation of design/construction documents for the Cochrane Road Widening Project.
11. **Approve Purchase Order for Wastewater Submersible Pumps for “A” Lift Station**..... 103
Recommended Action(s): Approve the purchase of two wastewater submersible pumps from Shape, Inc. in the amount of \$25,367.85.
12. **Accept Friendly Inn Renovation Project**..... 105
Recommended Action(s):
1. **Accept** as complete the Friendly Inn Renovation Project in the final amount of \$1,580,195.40; and
2. **Direct** the City Clerk to file the Notice of Completion with the County Recorder’s Office.
13. **Award Contract for Butterfield Oak Grove Project**..... 109
Recommended Action(s):
1. **Approve** project plans and specifications; and
2. **Award** contract to Quality Landscape Service, Inc. for the construction of the Butterfield Oak Grove Project in the amount of \$137,680; and
3. **Authorize** expenditure of construction contingency funds not to exceed \$32,940 for unknown conditions and to plant additional trees.
14. **Interim Sewer Fee Deferral Program**..... 115
Recommended Action(s): Adopt a resolution establishing a City Interim Sewer Fee Deferral Program.

City Council and Redevelopment Agency Action

OTHER BUSINESS:

ITEMS 15

	Time Estimate		Page
15.	5 Minutes	<u>Award Contract for Construction of Highway 101/Tennant Avenue Interchange Improvement Project and Approve Consultant Agreements for Professional Services</u> <u>Recommended Action(s):</u> 1. <u>Approve</u> project plans and specifications; and 2. <u>Award</u> construction contract to Top Grade Construction, Inc. in the amount of \$5,394,605.14; and 3. <u>Authorize</u> expenditure of construction contingency funds not to exceed \$809,190.77 (15%); and 4. <u>Authorize</u> the City Manager/Executive Director to execute consultant agreements for professional services with CSG Consultants and Mark Thomas & Company; and 5. <u>Approve</u> PG&E agreements and authorize the City Manager/Executive to execute the agreement in the amount of \$502,962.54 for engineering and construction costs involved with undergrounding PG&E overhead service; and 6. <u>Appropriate</u> \$989,309 from the current year un-appropriated RDA Fund Balance (317) to fully fund the project with RDA funds.	123

City Council Action

OTHER BUSINESS:

ITEMS 16-18

	Time Estimate		Page
16.	5 Minutes	<u>Revisions to Sustainable Building Ordinance</u> <u>Recommended Action(s):</u> 1. <u>Waive</u> the first and second reading of the ordinance; and 2. <u>Introduce</u> ordinance amending the Sustainable Building Requirements in Chapter 15.65 of the Morgan Hill Municipal Code.	161
17.	5 Minutes	<u>Joint Resolution in Support of a Highway 101 Alignment and Gilroy Station Location for High Speed Train</u> <u>Recommended Action(s): Adopt</u> a joint resolution in support of a Highway 101 alignment and Gilroy Station Location for High Speed Train.	201
18.	15 Minutes	<u>Update to 5-Year Financial Forecast</u> <u>Recommended Action(s): Accept</u> and file report.	213

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution #6250
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to:	Government Code Section 54956.8
a. Property:	APN 779-05-044 Address: 14465 Monterey Road, Morgan Hill
Negotiating Parties:	City Manager, City Attorney, Recreation & Community Services Director
Property Owner:	William Sing and Young Kay Mock
Under Negotiation:	Price and Terms of Payment
b. Property:	APN 779-05-043 Address: Olive Avenue, Morgan Hill,
Negotiating Parties:	City Manager, City Attorney, Recreation & Community Services Director
Property Owner:	William Sing and Young Kay Mock
Under Negotiation:	Price and Terms of Payment

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	<u>City of Morgan Hill v. State Water Resources Control Board, et al</u>
Case Number:	Santa Clara County Superior Court Case No. 108-CV-127858
Attendees:	City Manager, City Attorney

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the Council Services Records Coordinator for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the Council Services Records Coordinator. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chair, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency agenda, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.